

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 15-00041 CRB

Plaintiff,

**ORDER GRANTING MOTION FOR
RETURN OF PROPERTY AND
VACATING HEARING**

v.

ERIC SMITH,

Defendant.

Defendant Eric Smith moved for the return of non-evidentiary property seized during his arrest, and during the search of his residence at 966 Key Avenue, San Francisco, California, on January 7, 2015. See Mot. (dkt. 164). The government has filed a non-opposition to the motion, but asks that the Court deny the motion as moot because the government intends to return the relevant property to Plaintiff sometime in advance of the December 16, 2015 hearing set for this motion. See Non-Opposition (dkt. 165). Having carefully considered the parties' filings, the Court GRANTS the Motion and DIRECTS the government to return the relevant property by 5:00 p.m. on Monday, December 14, 2015. The hearing currently set for December 16, 2015 is hereby VACATED.

IT IS SO ORDERED.

Dated: December 11, 2015



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE